

## GLAVIS, ACCUSER OF SECY. BALLINGER

His Special Counsel Has Difficulty in Reducing Statement To Specific Charges.

NOT ONE ACT BUT VERY MANY

Colloquies Between Attorney and Members of Committee Indicate Much Wrangling Ahead.

Washington, Jan. 26.—The Ballinger-Pinchot congressional inquiry began its public sessions today, with Louis R. Glavis, chief accuser of Secy. Ballinger, on the witness stand.

As a result of many interruptions and the final decision of the committee to insist that Glavis's counsel make an opening statement of the specific charges against Mr. Ballinger, the witness did not get far in his narrative. There was opportunity, however, to draw some conclusions as to the preliminary line-up of the committee.

In his enthusiasm over the actual beginning of the inquiry to argue his view of the testimony to be adduced, the special counsel for Glavis, Louis D. Brandeis of Boston, had some difficulty in reducing his statement to a brief recital of the charges, but finally he summed up the "case for the prosecution" in this way:

### PROSECUTION'S CASE.

"That, prior to entering the government service in any capacity, R. A. Ballinger acted as attorney in drawing up an agreement in escrow and deeds in the Wilson coal company cases in Lewis county, Washington, these cases being an alleged fraud upon the land laws. Mr. Ballinger's name did not appear in court records of the case.

"That Mr. Ballinger, as commissioner of the land office in 1907, did not show due diligence in investigating alleged frauds connected with the Cunningham coal land claims in Alaska, that he had knowledge of all circumstances surrounding these claims, and in spite of this, entered the employ of one of the claimants after leaving the land office and becoming secretary of the interior; that he ordered these claims

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ing, sat at the end of a long mahogany table. On the right-hand side of the table sat the six house members. On the left were the senators.

Questioned by his own counsel, Glavis charged that when the escrow agreement in the Wilson case was drawn up by Ballinger it was an unlawful proceeding and the entryman had no right at the time to enter into this agreement. The agreement, however, never was signed.

Glavis said the information came to him second-hand, as a stipulation had been entered into by the government counsel in the Wilson cases and the attorneys for the claimants, whereby the name of Mr. Ballinger was not to appear. The witness said the records would bear him out.

The counsel for the government consisted of P. C. Sullivan and Henry M. Hoyt. The proceedings against the Wilson claimants are still pending. Glavis claimed Ballinger's participation amounted to a conspiracy in a fraudulent claim against the government.

"What, if anything, do you claim to have seen amiss in the administration of the public lands?" asked the senator.

Glavis said he could not answer the question briefly.

"Go ahead and tell it all in your own way," directed Senator Nelson.

### GLAVIS NERVOUS.

Glavis was a trifle nervous as he began. He talks in a quiet, slow way. He commenced by going back to the time when he began work as a field agent of the land office on the Wilson coal company cases in Lewis county, Washington, in 1901 or 1902. Ballinger, he said, was attorney for the Wilson coal company.

Glavis said he referred to these cases as leading up to the Alaska claims, which he said was the principal subject of the inquiry.

Senator Nelson frequently interrupted the narrative to bring out more clearly some of the points.

Glavis declared that Ballinger's name did not appear in the court records of the Washington coal claims, and that he did not appear in court at any time.

The witness said Mr. Ballinger, however, drew up an escrow agreement, and prepared the deeds for the claimants in the Wilson cases.

Ballinger had no government connection at the time of this.

Glavis next told of the Alaska coal fields and described in detail the location and extent of the Cunningham claims.

After Glavis had proceeded for half an hour, he was interrupted by the details of the Cunningham claims, Representative Denby of Michigan interrupted him.

Representative James of Kentucky (Dem.) said he thought the witness should be allowed to proceed in his own way.

Representative Graham of Illinois (Dem.) suggested that Glavis's counsel make the statement. This course finally was decided upon, and Atty. Brandeis arose to address the committee.

He said Glavis's attention first was called to the fraudulent coal land claims when he was in Seattle as chief of field division in 1907—Ballinger at that time was commissioner of the land office. Glavis heard that a number of prominent people in Seattle were interested in the fraudulent claims in Alaska. He met Special Agent Jones of the land office, who was on his way to Alaska to investigate the Alaska claims.

When Jones, after a preliminary investigation, returned to Seattle in August, 1907, he was directed to report at once to Commissioner Ballinger, who was in Seattle at the time.

PROSECUTION'S CLAIM.

"We claim," said Mr. Brandeis, "Commissioner Ballinger, who had modified the orders which had been given to Jones by Asst. Commissioner Dennett to make a full and thorough investigation, taking only one or two affidavits in each group, instead of fully covering the matter.

Mr. Ballinger also stated that if patent could not be granted on the lands as matters stood, relief would be requested of Congress. Jones had been sent to Alaska because Special Agent Love of the department, who had jurisdiction, lived in Alaska, and was more or less closely identified with his claimants. Love, however, aided Jones in his work.

"There were repeated conferences in Seattle between Jones and Ballinger, and various directions were given by Ballinger, both to Jones and Love. There was a full discussion as to the rights, legality and fraud of the Alaska claims."

Mr. Brandeis then went more briefly into the Glavis charges against Ballinger as presented to President Taft and acted upon by him. He said recommendations by Glavis and Jones in the Alaska case were not acted on by Commissioner Ballinger. Glavis sought an affidavit from a man named Davis. Davis said he had talked the matter over with Ballinger, and had been told not to make an statement.

After this Glavis came to Washington and urged on the land office the danger of scandal in the Alaska cases. He then was directed to proceed with a full investigation. Soon after he left Washington, however, ex-Governor Miles C. Moore came here to see Ballinger to see if the claims could not be hurried to patent.

Senator Nelson charged the attorney with withholding the fact that Moore was referred to the assistant secretary of the interior.

Mr. Brandeis said Senator Nelson was mistaken in thinking of Ballinger's action in May, 1909, as secretary of the interior, while he was speaking of Ballinger's action as commissioner of the land office in 1907.

"I am stating what is distinctly a fact and about which there can be no question," said Mr. Brandeis.

"Glavis heard that Ballinger had ordered the Cunningham claims to 'clear listing' for patent. He at once telegraphed asking that this action be suspended and came on to Washington. He said he had just obtained possession of the Cunningham journal, which bore conclusive evidence of fraud."

"He met ex-Governor Moore and Clarence Cunningham here, and was told by Moore that, but for his (Glavis's) action the land would have gone to patent."

"Glavis also discovered that, contrary to all practice, Cunningham and other claimants had received information as to what field agents of the department were making. Cunningham said he had copies of all the papers on file and there was nothing in that to prevent the lands going to patent."

Mr. Brandeis claimed that when Glavis finally was directed to make a full and thorough examination he was given only two months, and said it would be impossible to have prepared the government's case against the claimants in that time.

The attorney again was interrupted and asked to outline the specific charges against Secy. Ballinger.

### BRANDEIS IS INTERRUPTED.

"It appears, first," said Mr. Brandeis, "that Mr. Ballinger, while commissioner of the land office, took an active part in the controversy and investigation which arose as to the validity of the Alaska coal lands, and, by ordering some of the claims to patent, acquired knowledge of the same."

"He personally acted and took part in action of the department relating to the investigation of these claims, which we assert, were fraudulent."

"This having been the case, when he ceased to be commissioner he took the position as counsel for some of these claimants."

SUTHERLAND ASKS A QUESTION.

Senator Sutherland of Utah interrupted.

"You do not claim that Ballinger

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acted corruptly as commissioner, but that he made improper use of the information which he had obtained?"

"That is not all," replied the attorney. "The fact that he acted corruptly with reference to the continuance of the contest was not consistent with the highest conduct as an officer of the government."

"Then you claim he acted corruptly, or improperly?" asked Senator Sutherland.

"Yes—improperly," that he acted without due regard to the interests of the government while commissioner. Also that he acted improperly afterward in taking employment from the claimants who had been before him as commissioner.

"We claim that Ballinger's action, as it was reported, was improper in his failure to investigate thoroughly the Alaska claims. That he acted improperly in ordering these claims to patent, and we charge that they were on the road to patent, with undue haste, when Glavis intervened and saved them."

"That he acted improperly in allowing the Alaska claimants to see all the papers on file in the department. Cunningham said in a letter on file at Juncos that Commissioner Ballinger gave him the papers."

"You are aware," interrupted Representative Olmstead, "that Secy. Ballinger specifically denied all this?"

"Yes," replied Mr. Brandeis, "and we will ask you to consider all our statements in connection with this denial."

"Then," interrupted Mr. Madison, "you claim Mr. Ballinger acted corruptly?"

Mr. Brandeis launched into a reply with some show of feeling.

"I have not used the word 'corruptly,' he exclaimed in a high pitched voice. 'I have desired to bring the facts before this committee. I deem it a matter of great solemnity, and that no charge of corruption should be made. It is a matter for this committee to determine whether the great trust of holding this land for the benefit of the people and for future generations is in safe hands. We make no charge except the charge of the facts. It is for you, then, to determine what the safety and the honor of the country demand.'"

In connection with the Wilson coal company case, Mr. Brandeis charged that Ballinger acted as counsel, though his name did not appear in a case that involved perjury on the part of the claimants and a fraud upon the land laws.

### WILL ASK FOR PAPERS.

Mr. Brandeis said he would ask, from time to time, for the production of papers in the land office and interior department, and from special agents' offices in Seattle and elsewhere. He was directed to furnish the committee with a list of all papers desired, and he was assured they would be produced.

Mr. Brandeis promised that the investigation now on would bring out more than was contained in the charges filed by Mr. Glavis with the president, that there are facts, statements and documents not then in his possession.

This ended the attorney's statement, and he resumed the examination of witnesses.

Glavis proceeded to tell of his conversation with young Charles D. Davis of Seattle, in which Davis said he would not make an affidavit, as he had been advised against it by Mr. Ballinger.

"Do you know of any reason why Davis should not come here and testify first hand?" asked a member of the committee.

"No, sir," replied Glavis, "except that he is one of the claimants."

This called out a loud laugh from the committee. Glavis said that Davis made this statement to him the first time he met him.

In the discussion of the testimony

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as to Davis's statement, an interesting, and perhaps, significant colloquy occurred between Senator Nelson and Representative Graham, one of the Democratic members.

Senator Nelson sought to draw from the witness and his counsel the fact that they had no knowledge that Mr. Ballinger and his secretary, personally, received some letters addressed to the commissioner of the land office, and that this mail may have gone to other persons.

Representative Graham interrupted with the remark that he thought the burden of proof would be upon Mr. Ballinger in this connection. He thought that, in an important matter like this, the commissioner of the land office ought to know all that was going on, or to issue orders that he should know what was going on.

"The burden is on him," concluded Representative Graham, "to show that he did not know what was in these letters."

Senator Nelson in announcing an adjournment at 5:05 o'clock, endeavored to get permission to resume the sitting tomorrow afternoon, but several members of the committee said they had other duties, and the resumption of the inquiry was set for 10 o'clock Friday, when Glavis will continue his testimony.

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